

current software, beginning execution of a new version of said software received from said server, verifying proper operation of said new version of said software, and, if said new version properly operates, reinitializing the system startup file for startup with the new version.

REMARKS

This Second Preliminary Amendment is being filed to present the claims in the desired form for examination. Applicant notes that the remarks made in response to the rejections of method claims that were originally provided in the parent case and later dropped in favor of the apparatus claims that issued in U.S. Patent No. 6,308,204, are not applicable to the method claims of this application, due to the fact that the limitations of the method are substantially different. Specifically, the comments previously made regarding Kirouac were only directed to the specific limitations of those cancelled method claims and are not advanced by applicant in support of the method claims of this continuation application.

Pursuant to MPEP 2001.06(c), Applicant hereby informs the Patent Office of the following pending litigation regarding U.S. Patent No. 6,308,204 issued from the parent case: *Ecast, Inc. v. Touchtunes Music Corporation*, No. C-01-4298 PJH, U.S. District Court, Northern District of California. Any material information arising from this litigation will be brought to the attention of the Patent Office. If the Examiner has any questions regarding this litigation, or desires any information thereon, the Examiner is invited to call the undersigned attorney at the phone number below.

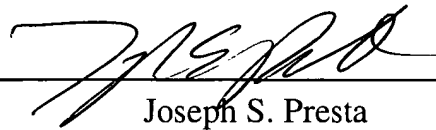
Favorable examination of the amended claims herein are respectfully requested.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page(s) is captioned "Version With Markings To Show Changes Made."

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____



Joseph S. Presta
Reg. No. 35,329

JSP:mg
1100 North Glebe Road, 8th Floor
Arlington, VA 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS

6. (amended) A method of operating a jukebox system, including:

providing a jukebox device including a microprocessor, a memory that stores audiovisual items that may be played on the jukebox device in response to requests by a user, a display for displaying video, an audio arrangement providing audio, a communication system for enabling the jukebox device to communicate with an audiovisual distribution network, and a multitasking operating system that enables simultaneous operation of the microprocessor, the display, the audio arrangement and the communication system, and further wherein said jukebox device includes operating software that controls operation of said jukebox;

providing a server remote to said jukebox device that can be accessed by said jukebox device through said distribution network;

registering said jukebox device for operation through communication between the jukebox device and the server;

downloading audiovisual items from the server to the jukebox device and storing the downloaded audiovisual items on the jukebox device;

uploading royalty information from the jukebox device to the server for use in accounting for music rights associated with the audiovisual items;

sending update data from said server to said jukebox device which is [interpreted] used by said jukebox device [as a request by said server] to remotely update said operating software on said jukebox device;

and upon receipt by said jukebox device of said update data [from said server indicating a request to remotely update said operating software], modifying said jukebox device such that said jukebox device will operate in accordance with new operating software received from said server over said distribution network.

7. (amended) The method of claim 6, further including, upon receipt of said update data, verifying by said jukebox device if a version number of current software is outdated, and, if said version number is outdated, performing a back up of the current operating software, modifying a system startup file for startup with the back up of the current software, beginning execution of a new version of said software received from said server, verifying proper operation of said new version of said software, and, if said new version properly operates, reinitializing the system startup file for startup with the new version.